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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter

Telephone Number Portability

CC Docket No. 95-116, DA 96-358

FURTHER COMMENTS OF SBC COMMUNICATIONS INC.

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March 29, 1996

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**Washington, D.C. 20554**

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**FURTHER COMMENTS OF SBC COMMUNICATIONS INC.**

SBC Communications Inc. ("SBC"), on behalf of its subsidiaries, Southwestern Bell Telephone Company ("SWBT") and Southwestern Bell Mobile Systems, Inc. ("SBMS"), files these further comments regarding the referenced docket pursuant to the Commission's notice released March 14, 1996.

**DISCUSSION**

The passage of the Telecommunication Act of 1996 (the "Telecommunications Act") raises no new issues for the Commission's examination of local number portability in this Docket. However, the Commission should be alert to the dependencies that exist between its order in this Docket and Congress' intention to open telecommunications markets to competition. Under Section 251,<sup>1</sup> local exchange carriers ("LECs") have a duty to provide, to the extent technically feasible, number portability in accordance with Commission-prescribed requirements. These same requirements are also to be used in determining compliance with the Competitive

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<sup>1</sup>For purposes of consistency, all references to what is or will become Title 47 of the United States Code, either as it exists under The Communications Act of 1934 (the "Communications Act"), as amended (47 U.S.C. §§151, et seq.), or under The Telecommunications Act of 1996 (Pub. L. No.104-104; 110 Stat. 56 (1996)), will be referenced by their codified section numbers (e.g., "Section 151" or "Section 272").

Checklist for Bell Operating Company (“BOC”) entry into in-region, interexchange services.<sup>2</sup>

Importantly, Congress was specific in its definition of number portability:

The term “number portability” means the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another.<sup>3</sup>

Number portability is limited, therefore, to the ability of an end user customer to retain the number associated with its existing service at the same location when changing service providers.

The Commission in its order in this Docket should not create a higher hurdle for local number portability than Congress intended. The Commission should not adopt rules that include long-term solutions requiring more costly location and service portability in addition to service provider portability. To do so could needlessly delay the opening of both local service and interexchange markets to competition. In addition, any long-term number portability solution should be developed by the industry in response to end-user customer demand and not by carrier demand or regulatory mandate.<sup>4</sup>

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<sup>2</sup>See Section 271.

<sup>3</sup>Section 153(30).

<sup>4</sup>Congress was also specific on the matter of cost recovery for the implementation of number portability, in stating:

The cost of establishing . . . number portability shall be borne by all telecommunications carriers on a competitively neutral basis as determined by the Commission.

Section 251(e)(2). Section 251 requires, therefore, that the Commission consider the principles of cost causation and cost/benefit in its adoption of rules.

The provisions of the Telecommunications Act also support the examination and analysis of wireless number portability separately from wireline number portability.<sup>5</sup> The Telecommunications Act imposes the duty to provide number portability only upon LECs,<sup>6</sup> the definition of which expressly excludes CMRS providers.<sup>7</sup> The exclusion of commercial mobile radio service providers from any number portability obligation demonstrates Congress' intent that the issue of wireless number portability be separated from the issue of wireline number portability and Congress' recognition of the unique problems and issues associated with wireless number portability.<sup>8</sup>

## CONCLUSION

The Telecommunications Act is specific with regard to the number portability service for which the Commission is to establish its rulemaking under Section 251(b). The Commission should undertake to adopt rules that will enable LECs to implement the Telecommunications Act's provisions in an efficient and expeditious manner. Consistent with the terms of the Telecommunications Act, the Commission should not impose any number portability requirements upon wireless carriers at this time.

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<sup>5</sup>SBC's Comments at ii (September 12, 1995).

<sup>6</sup>See Section 251 (b)(2).

<sup>7</sup>See Section 153(44).

<sup>8</sup>See SBC Comments at Appendix F.

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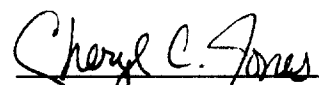
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**CERTIFICATE OF SERVICE**

I, Cheryl C. Jones, hereby certify that copies of the foregoing **REPLY COMMENTS OF SBC COMMUNICATIONS INC.** in CC Docket 95-185, have been served by first class United States mail, postage prepaid, on the parties listed on the attached.

  
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February 15, 1996

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